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C O N F I D E N T I A L TUNIS 002688

SIPDIS

C O R R E C T E D C O P Y (PARA 7 TEXT)

SIPDIS

NEA/MAG FOR HARRIS

E.O. 12958: DECL: 10/31/2016
TAGS: PREL PGOV PHUM KMPI TS
SUBJECT: EMBASSY OFFICERS BLOCKED, AGAIN, FROM MEETING
HUMAN RIGHTS ORGANIZATION IN BIZERTE

REF: TUNIS 2501

CLASSIFIED BY: CDA DAVID BALLARD FOR REASONS 1.4 B & D

¶11. (C) SUMMARY. ON OCTOBER 27, EMBASSY OFFICERS TRIED FOR A SECOND TIME TO MEET WITH THE LOCAL CHAPTER OF THE TUNISIAN HUMAN RIGHTS LEAGUE (LTDH). THREE WEEKS EARLIER, POLICE HAD BLOCKED SUCH A MEETING, AND IN FOLLOW-ON CONVERSATIONS WITH THE GOT, NO VALID REASON HAD BEEN GIVEN FOR THE PROHIBITION. ON THE MORNING OF OCTOBER 27, THE MFA DIRECTOR GENERAL CALLED THE EMBASSY RECOMMENDING THAT EMBOFFS NOT VISIT THE LTDH IN

BIZERTE, CITING A 2001 COURT RULING FORBIDDING ANY LTDH ACTIVITY NOT RELATED TO PREPARING FOR ITS NATIONAL CONGRESS. SINCE THE MFA DID NOT FORBID THE MEETING, EMBOFFS ATTEMPTED TO VISIT THE LTDH, BUT WERE AGAIN PREVENTED BY SECURITY OFFICIALS. THE MFA LATER SENT A DIPNOTE TO ALL DIPLOMATIC MISSIONS SAYING THAT ALL LEAGUE ACTIVITIES WERE PROHIBITED, CITING THE 2001 RULING. THIS INTERPRETATION CONTRADICTS A 2005 RULING THAT THE LTDH CANNOT PREPARE FOR ITS CONGRESS. EMBOFFS PLAN TO MEET WITH LTDH PRESIDENT AND LAWYER MOKHTAR TRIFI ON NOVEMBER 2 AT THE EMBASSY, TO ASK FOR HIS INTERPRETATION OF THE DIPNOTE VIS-A-VIS PREVIOUS COURT RULINGS, AND WILL COORDINATE A RESPONSE WITH EU COLLEAGUES WHO HAVE BEEN ACTIVE WITH THE LTDH. END SUMMARY.

EMBASSY QUIETLY PLANS BIZERTE VISIT; MFA PHONES TO STOP IT

¶12. (C) ON OCTOBER 5, THREE EMBASSY OFFICERS WERE BLOCKED BY SECURITY OFFICIALS FROM MEETING WITH THE LTDH IN THE NORTHERN CITY OF BIZERTE (REFTEL). FOLLOWING THIS, POST, THE DEPARTMENT, AND THE NSC RAISED OUR OBJECTIONS WITH VARIOUS GOT INTERLOCUTORS. IN THE ABSENCE OF ANY CONCRETE EXPLANATION AS TO WHY THE MEETING HAD BEEN CANCELED, AND IN ORDER TO EMPHASIZE THAT EMBASSY OFFICIALS SHOULD BE ALLOWED TO CONDUCT MEETINGS WITH ALL TUNISIANS, THROUGHOUT THE COUNTRY, POLOFFS ARRANGED WITH LTDH BIZERTE MEMBER AND AL JAZEERA CORRESPONDENT LOTFI HAJJI TO SET UP A SECOND MEETING IN BIZERTE ON OCTOBER 27. POLFSN CALLED HAJJI TO ARRANGE THE DETAILS OF THE MEETING. ON THE MORNING OF OCTOBER 27TH, MFA DIRECTOR GENERAL FOR AMERICAS GHAZI JOMAA CALLED EMBOFFS AND SAID THAT A MEETING WITH THE LTDH IN BIZERTE SHOULD NOT GO FORWARD, CITING A JUNE 2001 COURT RULING THAT HE CLAIMED PREVENTED THE LTDH FROM CONDUCTING ANY ACTIVITIES UNRELATED TO THE PREPARATION OF ITS NATIONAL CONGRESS. EMBOFF ASKED FOR A WRITTEN EXPLANATION OF THIS POLICY, WHICH DIRECTLY OPPOSED PREVIOUS PRESS REPORTS AND CLAIMS BY GOT INTERLOCUTORS THAT THE OPPOSITE WAS TRUE -- LTDH WAS PROHIBITED FROM PREPARING FOR ITS CONGRESS DUE TO A SEPTEMBER 2005 RULING. EMBOFF FURTHER EXPLAINED THAT THE EMBASSY HAD

MET OFTEN WITH LTDH OFFICIALS SINCE 2001, INCLUDING AT THE AMBASSADORIAL LEVEL.

SECOND MEETING BLOCKED

¶3. (C) SINCE JOMAA WOULD NOT SAY THAT EMBASSY OFFICERS WERE FORBIDDEN TO MEET WITH LTDH IN BIZERTE, AND HAD PROVIDED NO WRITTEN EXPLANATION OF POLICY SUGGESTING THAT SUCH A MEETING WOULD NOT BE PERMITTED, POLCOUNS, POLOFF AND POLFSN TRAVELED TO BIZERTE ON THE AFTERNOON OF OCTOBER 27. ARRIVING AT THE LTDH BUILDING IN BIZERTE, WHICH IS ALSO THE RESIDENCE OF CHAPTER PRESIDENT ALI BEN SALEM, EMBOFFS SAW APPROXIMATELY 40 POLICE OFFICERS STANDING AT ALL ROADS LEADING TO THE HEADQUARTERS, BLOCKING LTDH MEMBERS' ACCESS TO THE BUILDING. EMBOFFS WERE MET BY RIDHA BOUZGAYA, WHO IDENTIFIED HIMSELF AS THE HEAD OF SECURITY FOR THE BIZERTE GOVERNORATE. BOUZGAYA, ALONG WITH HIS DEPUTY AND OTHER PLAIN-CLOTHES POLICE OFFICERS, WELCOMED EMBOFFS TO BIZERTE, BUT POLITELY EXPLAINED THAT THEY WOULD NOT BE PERMITTED TO MEET WITH THE LTDH BIZERTE STEERING COMMITTEE. BOUZGAYA SAID THAT HE WAS CARRYING OUT THE JUDICIAL DECISION OF JUNE 2001, WHICH, ECHOING JOMAA'S EARLIER CALL, HE SAID, FORBID THE LTDH FROM CONDUCTING ANY ACTIVITIES EXCEPT TO PREPARE FOR ITS CONGRESS.

POLCOUNS EXPLAINED THAT THREE WEEKS EARLIER, EMBOFFS HAD BEEN GIVEN THE EXACT OPPOSITE REASON AS TO WHY THEY COULDN'T MEETING WITH THE LTDH: THAT THE LEAGUE WAS NOT PERMITTED TO PREPARE FOR ITS CONGRESS. POLCOUNS ASKED HOW THE SECURITY OFFICIALS HAD BEEN INFORMED ABOUT THE MEETING, TO WHICH BOUZGAYA RESPONDED: "HOW DID YOU SET IT UP?" WHEN ASKED IF EMBOFFS COULD MEET WITH THE LTDH STEERING COMMITTEE AT ANOTHER LOCATION BESIDES THE LTDH BUILDING, BOUZGAYA REPLIED THAT ANY MEETING WITH THE LTDH STEERING COMMITTEE WAS FORBIDDEN. HE SAID THAT EMBOFFS COULD MEET WITH ALI BEN SALEM ALONE, BUT BEN SALEM, WHO WAS ON THE SCENE, REFUSED SUCH A MEETING OUT OF THE PRINCIPLE THAT THE STEERING COMMITTEE AS A WHOLE SHOULD BE ALLOWED TO MEET. AFTER A

HALF-HOUR, EMBOFFS LEFT THE SCENE AND RETURNED TO TUNIS, ESCORTED TO THE CITY LIMITS BY A UNMARKED FOLLOW-CAR.

MFA SENDS DIPNOTE TO ALL DIPLOMATIC MISSIONS FORBIDDING MEETING WITH LTDH

¶4. (SBU) IN THE WAKE OF THE BLOCKED MEETING, ON OCTOBER 31, THE MFA SENT A DIPNOTE TO ALL DIPLOMATIC MISSIONS IN TUNISIA WITH THE FOLLOWING TEXT (TRANSLATED FROM FRENCH):

(THE MFA) REMINDS (DIPLOMATIC MISSIONS) THAT THE TUNISIAN HUMAN RIGHTS LEAGUE IS SUBJECT TO THE ORDER OF A JUDICIAL DECISION RENDERED BY THE TUNIS COURT OF APPEAL, JUNE 21, 2001, WHICH PROHIBITS ALL ACTIVITY OF THE LTDH. THE COURT LIMITS ACTIVITY TO ONLY THOSE ACTS HAVING A DIRECT LINK TO THE PRACTICAL PREPARATION ON THE CONGRESS. THEREFORE, THE LEAGUE CANNOT CONDUCT ANY ACTIVITY NOR HAVE ANY CONTACT OUTSIDE OF THAT WHICH IS AUTHORIZED BY THE JUDICIAL DECISION.

THIS JUDICIAL DECISION APPLIES TO ALL PROCEEDINGS OF THE LEAGUE INCLUDING FOR THE CENTRAL HEADQUARTERS AND ALL REGIONAL SECTIONS.

BACKGROUND ON LTDH LEGAL TROUBLES

¶5. (SBU) SINCE THE INDEPENDENT LEADERSHIP OF MOKHTAR TRIFI WAS ELECTED TO LEAD THE LTDH IN 2000, THERE HAVE BEEN MULTIPLE COURT CASES CHALLENGING HIS LEADERSHIP AND THE CURRENT STEERING COMMITTEE. THE 2001 DECISION REFERRED TO BY THE MFA FOLLOWED ACCUSATIONS THAT THE LTDH CONGRESS THAT ELECTED TRIFI WAS INVALID DUE TO LEAGUE MEMBERSHIP CARDS HAVING NOT BEEN RENEWED BEFORE THE CONGRESS. THIS DECISION REPORTEDLY CALLED FOR NEW ELECTIONS, WITH ALL MEMBERS VOTING, AND STIPULATES THAT THE LEAGUE ACTIVITIES SHOULD BE LIMITED TO PREPARATIONS FOR THIS CONGRESS. HOWEVER, NO CONGRESS WAS

HELD AND IN THE INTERIM PERIOD, TRIFI OVERSAW A RESTRUCTURING THAT EFFECTIVELY ELIMINATED REGIONAL LTDH CHAPTERS WHOSE MEMBERS WERE OVERWHELMINGLY PRO-GOT. THIS WOULD HAVE ALLOWED TRIFI TO HOLD ELECTIONS, WITHOUT FEAR THAT A PRO-GOT CANDIDATE WOULD WIN A MAJORITY. SUBSEQUENT TO THIS MOVE BY TRIFI, ANOTHER CASE WAS BROUGHT TO COURT BY PRO-GOT LTDH MEMBERS ALLEGING THAT TRIFI'S RESTRUCTURING HAD BEEN ILLEGAL ACCORDING TO LEAGUE STATUTES. ALTHOUGH THIS CASE HAS BEEN POSTPONED MULTIPLE TIMES, AN INTERIM RULING IN SEPTEMBER 2005 SAID THAT IN ADVANCE OF A FINAL RULING, THE LEAGUE COULD NOT PREPARE FOR ITS CONGRESS. BEFORE THIS RULING, DESPITE THE 2001 DECISIONS, LTDH CHAPTERS THROUGHOUT THE COUNTRY HAD BEEN MEETING AND CARRYING OUT SOME ACTIVITIES. SINCE THE 2005 RULING, SECURITY OFFICIALS HAVE BLOCKED REGIONAL CHAPTER FROM MEETING AT LTDH LOCALES (THEY HAVE REPORTEDLY MET UNOFFICIALLY AT CAFES), ALTHOUGH THE LTDH CENTRAL STEERING COMMITTEE HAS MET IN TUNIS.

COMMENT

¶ 6. (C) EMBOFFS HAVE MET WITH LTDH OFFICIALS MANY TIMES SINCE 2001, AND THE AMBASSADOR ALSO ATTENDED A FUNCTION AT THE LTDH EARLIER THIS YEAR. THE DIPNOTE OF OCTOBER 31 IS THE MOST BROAD, OFFICIAL BAN ON LEAGUE ACTIVITIES TO DATE. EMBOFFS PLAN TO MEET WITH TRIFI ON NOVEMBER 2, TO ASK FOR HIS INTERPRETATION OF THE DIPNOTE VIS-A-VIS PREVIOUS COURT RULINGS, AND WILL COORDINATE A RESPONSE WITH EU COLLEAGUES WHO HAVE BEEN ACTIVE WITH THE LTDH.

¶ 7. (C) COMMENT (CONTD): THE GOT'S ARGUMENT THAT THE LTDH MATTER IS AN INTERNAL ORGANIZATIONAL AFFAIR, AND THAT SECURITY OFFICIALS ARE ONLY CARRYING OUT A JUDICIAL DECISION, MIGHT BE BELIEVABLE WERE THE TUNISIAN JUDICIARY INDEPENDENT. IN OUR VIEW, THIS IS JUST ANOTHER MANIFESTATION OF THE GOT'S FEAR OF ANY CIVIL SOCIETY ORGANIZATION NOT UNDER ITS COMPLETE CONTROL. THE GOT IS WELL-PRACTICED IN USING CUNNINGLY COMPLEX JUDICIAL PROCESSES TO ACHIEVE ITS ULTIMATE GOAL OF TRANSFORMING THE ARAB WORLD'S OLDEST HUMAN RIGHTS NGO AND ONE OF THE FEW TUNISIAN INSTITUTIONS PROVIDING EVEN A MINIMAL CHECK ON THE GOT INTO YET ANOTHER PRO-REGIME NGO CHEERLEADER. WE BELIEVE THIS OUTRAGEOUS INTERPRETATION WILL PROVOKE STRONG REACTIONS FROM OTHER GOVERNMENTS AND NGOS, RESULTING IN A REEXAMINATION OF THE ISSUE. IN THE MEANTIME, WE'LL RESPECT THE BAN. END COMMENT.
BALLARD